

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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RESIDENTIAL CAPITAL, LLC, et al.,  
Post-Effective Date Debtors

Chapter 11

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RESCAP BORROWER CLAIMS TRUST,  
Objector

Case No. 12-12020-mg

v.  
TIA DANIELLE SMITH,  
Creditor-Beneficiary

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STATEMENT OF CORRECT CITATION TO CALIFORNIA CIVIL CODE SECTION **1511**  
**NOT 1510**  
(CLAIM NOS. 3889, 4129, 4134 AND 4139)

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Tia Danielle Smith, by her attorney, Wendy Alison Nora of ACCESS LEGAL SERVICES, corrects the record to provide the correct citation to the California Civil Code upon which she relied at in her reply oral argument. The correct citation is Cal. Civ. Code §1511, not Cal. Civ. Code §1510 and read in its entirety:

California Civil Code §1511

§1511. The want of performance of an obligation, or of an offer of performance, in whole or in part, or any delay therein, is excused by the following causes, to the extent to which they operate:

1. When such performance or offer is prevented or delayed by the act of the creditor, or by the operation of law, even though there may have been a stipulation that this shall not be an excuse; however, the parties may expressly require in a contract that the party relying on the provisions of this paragraph give written notice to the other party or parties, within a reasonable time after the occurrence of the event excusing performance, of an intention to claim an extension of time or of an intention to bring suit or of any other similar or related intent, provided the requirement of such notice is reasonable and just;
  2. When it is prevented or delayed by an irresistible, superhuman cause, or by the act of public enemies of this state or of the United States, unless the parties have expressly agreed to the contrary;
- or,

**3. When the debtor is induced not to make it, by any act of the creditor intended or naturally tending to have that effect, done at or before the time at which such performance or offer may be made, and not rescinded before that time.**

Ms. Smith intended to call the Court's attention to Cal. Civ. Code §1511, subd. 3 and mistakenly remembered the citation as Cal. Civ. Code §1510. Therefore, this statement corrects the record.

Dated at New York, New York this 9th day of February, 2016.

*/s/ Wendy Alison Nora*

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